

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Wanda M. Moran,

Plaintiff,

vs.

Michael J. Astrue,
Commissioner of Social Security
Administration,

Defendant.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Case No. 4:07-cv-073

The plaintiff, Wanda M. Moran, filed a complaint on October 22, 007, seeking judicial review of the Social Security Commissioner's denial of her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433. See Docket No. 1. The parties filed their respective motions for summary judgment on February 14, 2008. See Docket Nos. 8 and 12. Magistrate Judge Charles S. Miller, Jr. conducted a review of the record and relevant case law and issued a Report and Recommendation on June 10, 2008. See Docket No. 15. Judge Miller recommended that the defendant's motion for summary judgment be denied and that Moran's motion for summary judgment be granted in part, and that the decisions of the Commissioner be reversed and the matter remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings. The parties were given ten (10) days to file an objection to the Report and Recommendation. No objections were filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 15) in its entirety. The Defendant's motion for

summary judgment (Docket No. 12) is **DENIED** and the Plaintiff's motion for summary judgment is **GRANTED IN PART** (Docket No. 8). The decisions of the Commissioner are **REVERSED** and the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings.

IT IS SO ORDERED.

Dated this day of 8th day of July, 2008.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court